



#10
DEP # REF
Room 307

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Ian Trevor Dampney, et al.

Serial No.: 09/890,581

Filed: August 2, 2001

For: Actuating and Locking Mechanism
for a Surgical Tool

) OFFICE OF FINANCE
) REFUND BRANCH
) ATTN: Refund Section
) 2002 MAY 24 PM 3:55
) ACCOUNTING DIVISION
)
) US PATENT & TRADEMARK
) ATTORNEY DOCKET NO. 000026.00030
) OFFICE
) MCG/mag
)
)
) Date: May 16, 2002

REQUEST FOR REFUND

Hon. Commissioner of Patents and Trademarks
Attn: Refund Division
Washington, D.C. 20231

Sir:

In accordance with 37 C.F.R. §1.26 concerning request for refund, applicant hereby requests a refund of \$130.00. This amount is for the surcharge for the late filing of the Declaration under 37 CFR 1.492(e), which was included in the amount of payment (\$1,080.00) and filing made on August 2, 2001 for the above-referenced application. We, however, again paid \$130.00 for the late filing of the declaration as part of the payment (\$170.00) and filing made on March 6, 2002. A copy of the mailroom stamped documents and transmittals made on August 2, 2001 and March 6, 2002 are attached herewith.

Applicant therefore requests a refund of \$130.00. Please credit the refund to BLANK ROME COMISKY & McCAULEY Deposit Account No. 23-2185 (000026.00030).

Respectfully submitted,

Repln. Ref: 12/04/2002 RWHITE1 0015095900
DAH:232185 Name/Number:09890581
FC: 9204 \$130.00 CR

By: _____

Michael C. Greenbaum
Attorney for Applicants
Registration No. 28,419

BLANK ROME COMISKY & McCAULEY LLP
THE FARRAGUT BUILDING
SUITE 1000
900 17TH STREET, NW
WASHINGTON, DC 20006
TEL (202) 530-7400 FAX (202) 463-6915

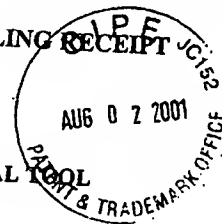


THE OFFICIAL DATE STAMPED HEREON BY THE U.S. PATENT AND
TRADEMARK OFFICE WILL ACKNOWLEDGE RECEIPT OF THE FOLLOWING:

NATIONAL PHASE U.S. PATENT APPLICATION FILING RECEIPT

Applicant: Ian Trevor DAMPNEY, et al.
Serial No.: Not Yet Assigned
Filing Date: August 2, 2001
For:

ACTUATING AND LOCKING MECHANISM FOR A SURGICAL TOOL



ENCLOSURES:

1. Form PTO-1390 (in duplicate);
2. Check in the amount of \$1,080.00 (check# 1031);
3. Preliminary Amendment (6pp.) with Amended Sheet of PCT/0800/00324 (4pp.);
4. PCT Demand;
5. International Publication Number WO 00/45718;
6. International Preliminary Examination Report with Annexes; and
7. Unexecuted Declaration (2pp.).

DOCKETED
000026.0030

AUG - 2 2001 KCS

EARLY SERIAL NUMBER REQUESTED

MCG/mas
August 2, 2001

Action Due Due Date
Attorney Docket No.: 000026.00030

BLANK ROME COMISKY & McCAULEY LLP

FORM PTO-1390 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE (REV 10-94)
**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

ATTORNEY'S DOCKET NUMBER

000026.00030

U.S. APPLICATION NO.

Not yet assigned

INTERNATIONAL APPLICATION NO.

PCT/GB00/00325

INTERNATIONAL FILING DATE

4 February 2000

PRIORITY DATE CLAIMED

5 February 1999

TITLE OF INVENTION

ACTUATING AND LOCKING MECHANISM FOR A SURGICAL TOOL

APPLICANT(S) FOR DO/EO/US

Ian Trevor DAMPNEY, and John Ewant Alfred WICKHAM

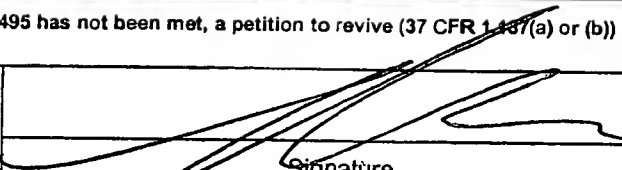
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(I).
4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application is filed (35 U.S.C. 371(c)(2))
 - a. ☐ Is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☒ has been transmitted by the International Bureau.
 - c. ☐ Is not required, as the application was filed in the United States Receiving Office (RO/US)
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☒ have been transmitted by the International Bureau
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An unexecuted oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A **FIRST** preliminary amendment.
- ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ Other items or information:

PCT Demand
International Publication Number WO 00/45718 w/International Search Report
International Preliminary Examination Report with Annexes
PCT Request

| | | | | | | |
|---|--------------|-------------------------------|--------------|---|---------|----------------------|
| U.S. APPLICATION NO. | | INTERNATIONAL APPLICATION NO. | | ATTORNEY'S DOCKET NO. | | |
| Not yet assigned | | PCT/IB00/00325 | | 000026.00030 | | |
| 17. <input checked="" type="checkbox"/> The following fees are submitted: | | | | CALCULATIONS PTO USE ONLY | | |
| BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5)): <input checked="" type="checkbox"/> Search Report has been prepared by the EPO or JPO\$860.00 International preliminary examination fee paid to USPTO (37 CFR 1.482)\$690.00 No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2))\$710.00 Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO\$1000.00 International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4)\$100.00 | | | | | | |
| ENTER APPROPRIATE BASIC FEE AMOUNT = | | | | \$860.00 | | |
| Surcharge of \$130.00 for furnishing the oath or declaration later than 20 <input checked="" type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)). | | | | \$130.00 | | |
| CLAIMS | NUMBER FILED | | NUMBER EXTRA | RATE | | |
| Total Claims | 25 | - 20 = | 5 | X \$18.00 | \$90.00 | |
| Independent Claims | 2 | - 3 = | 0 | X \$80.00 | \$n/a | |
| MULTIPLE DEPENDENT CLAIM(S) (if applicable) | | | | + \$270.00 | \$n/a | |
| TOTAL OF ABOVE CALCULATIONS = | | | | \$1,080.00 | | |
| Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28). | | | | \$n/a | | |
| SUBTOTAL = | | | | \$1,080.00 | | |
| Processing fee of \$130.00 for furnishing the English translation later than 20 30 months from the earliest claimed priority date (37 CFR 1.492(f)). | | | | + | \$0.00 | |
| TOTAL NATIONAL FEE = | | | | \$1,080.00 | | |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property | | | | + | \$0.00 | |
| TOTAL FEES ENCLOSED = | | | | \$1,080.00 | | |
| Amount to be refunded: | | | | \$ | | |
| charged: | | | | \$ | | |
| a. <input checked="" type="checkbox"/> A check in the amount of <u>\$1,080.00</u> to cover the above fees is enclosed. | | | | | | |
| b. Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed. | | | | | | |
| c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>23-2185</u> . A duplicate copy of this sheet is enclosed. | | | | | | |
| NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.437(a) or (b)) must be filed and granted to restore the application to pending status. | | | | | | |
| SEND ALL CORRESPONDENCE TO: CUSTOMER NO.: 002779 BLANK ROM COMISKY & MCCAULEY LLP The Farragut Building 900 - 17th Street, N.W., SUITE 1000 Washington, D.C. 20006 | | | |  Signature | | |
| | | | | NAME | | Michael C. Greenbaum |
| | | | | Registration No. | | 28,419 |
| | | | | Date | | August 2, 2001 |

MAY 16 2002
PATENT & TRADEMARK OFFICE

BLANK ROME COMISKY & McCAULEY LLP

CHECK NO.

1031

| ENDOR # | INVOICE # | DATE | INVOICE AMOUNT | INVOICE DESCRIPTION | AMOUNT PAID |
|---------|--------------|----------|----------------|---|-------------|
| 00896 | 000026.00030 | 08-02-01 | 1.080.00 | PATENT APPLN: ADD'L CLAIMS DECL NOT ACCOMPANYING APPLN | 1.080.00 |

BLANK ROME COMISKY & McCAULEY LLP

COUNSELORS AT LAW
900 17TH STREET, NW - SUITE 1000
WASHINGTON, DC 20006
(202)463-7700

CHECK NO. 1031

WASHINGTON DISBURSEMENT ACCT
55-136/312

08/02/01

\$1,080.00

THOUSAND EIGHTY AND 00/100 DOLLARS

TO THE ORDER OF U.S. COMMISSIONER OF PATENTS
AND TRADEMARKS

REF:

MERCE BANK

/1031/ α031101017α 95 00000 421



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ian Trevor Dampney et al.
Serial No.: 09/890,581
Filing Date: August 2, 2001
For: Actuating and Locking Mechanism for a Surgical Tool

DOCKETED

Please stamp to acknowledge receipt of the following:

000026-0030
MAR 8 2002
dx

1. Form 1595
2. Executed Declaration
3. check for \$ 170.00
4. Copy of the Notification of Missing Requirements Under 35 USC 371 in the United States Designated/Elected Office
5. Filing of Declaration Under 37 CFR 1.53(f)

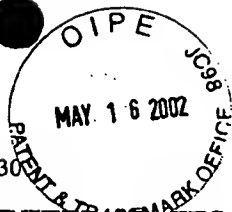
Action Due Due Date

MCG/JJY/lmh

Date: March 6, 2002 Attorney Docket No.: 000026-00030



BLANK ROME COMISKY & MCCAULEY LLP



Docket No.

000026-0030

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

Ian Trevor Dampney et al.

SERIAL NO:

09/890,581

GAU:

FILED:

August 2, 2001

EXAMINER:

FOR:

Actuating and Locking Mechanism for a Surgical Tool

FILING OF DECLARATION UNDER 37 CFR 1.53(f)

COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

ATTN: APPLICATION BRANCH

SIR:

Responsive to the notification dated February 1, 2002, and in accordance with the provisions of 37 CFR 1.53(f), Applicants submit herewith a Declaration in accordance with 37 CFR 1.63.

- ☐ The required fee was paid at the time of filing the application.
- ☒ A check in the amount of \$130.00 is attached to cover the required fee for the late filing of the executed declaration.
- ☒ A copy of the notification is also submitted herewith.

The Declaration enclosed herewith adequately identifies the above-identified application in accordance with 37 CFR 1.63, as set forth in MPEP Section 601.01.

In light of the foregoing, this application is deemed to be in proper condition for examination and such favorable action is earnestly solicited.

Please charge any underpayment of fees or credit any overpayment of fees to Deposit Account No. 23-2185. A duplicate copy of this paper is attached.

Respectfully Submitted,

BLANK ROME COMISKY & MCCAULEY LLP

THE FARRAGUT BUILDING
SUITE 1000
900 17TH STREET, NW
WASHINGTON, DC 20006
TEL (202) 530-7400
FAX (202) 463-6915


Michael C. Greenbaum
Registration No. 28,419

Date: March 8, 2002